Kearns Metro Township Planning Commission
Public Meeting Agenda
Monday, January 14, 2019 5:30 P.M.

Location
KEARNS ATHLETIC TRAINING AND EVENT CENTER
5658 SOUTH COUGAR LANE
MEETING ROOM
(385) 468-6700

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING
1) Election of Chair and Vice Chair 2019
2) Approval of Minutes from the December 10, 2018 meeting
3) Other Business Items (as needed)

PUBLIC HEARINGS
30737 – (UPDATE) - Greg Houge on behalf of Craig Gunther is requesting a rezone approval to change the zoning from M-1 to RM. Parcel Area: 6.537 Acres. Location: 4702 West 6200 South. Zone: M-1. Planner: Curtis Woodward/David D. White

ADJOURN
MEETING MINUTE SUMMARY
KEARNS METRO TOWNSHIP PLANNING COMMISSION MEETING
Monday, December 10, 2018 5:30 p.m.

Approximate meeting length: 1 hour 2 minutes
Number of public in attendance: 2
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Walton

ATTENDANCE

<table>
<thead>
<tr>
<th>Commissioners and Staff:</th>
<th>Public Mtg</th>
<th>Business Mtg</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Robertson</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Joy Nelson</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Jerry Wellman</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Bruce Walton</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Joe Hatch</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planning Staff / DA</th>
<th>Public Mtg</th>
<th>Business Mtg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wendy Gurr</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Curtis Woodward</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

*NOTE: Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

BUSINESS MEETING

Meeting began at – 5:35 p.m.

1) Approval of Minutes from the November 19, 2018 meeting.

   **Motion:** To approve minutes from the November 19, 2018 meeting as presented.
   **Motion by:** Commissioner Wellman
   **2nd by:** Commissioner Nelson
   **Vote:** Commissioners voted unanimous in favor (of commissioners present)

2) Approval of Minutes from the November 26, 2018 meeting.

   **Motion:** To approve minutes from the November 26, 2018 meeting as presented.
   **Motion by:** Commissioner Wellman
   **2nd by:** Commissioner Nelson
   **Vote:** Commissioners voted unanimous in favor (of commissioners present)

3) Business Items (as needed)

   *Mr. Woodward provided an update to the rezone application from November. Commercial liability study and updated traffic report. Scope of work on traffic to be update. Commercial viability study, county regional planning officer is in a westside study, gathered data. Developer applicant pointed out even those this area doesn’t have enough sporting good stores, based on the configuration, no
sporting goods store would not want to do business there. Mr. Woodward said he spoke to John Gust and reaching out to development and real estate and if there is a need for more commercial and supported by people’s dollars. Council has it on their agenda tonight to set a hearing date and the mayor would prefer it come back to the planning commission once those reports are in and will be on their agenda in January.

PUBLIC HEARINGS

Hearings began at – 5:43 p.m.

30795 – (Continued from 11/19 and 11/26/18) - Amendment to 19.14.050 to allow exceptions to the minimum yard requirements for permanent structural additions to single family dwellings such as carports, awnings, and decks. Planner: Curtis Woodward

Salt Lake County Planning and Development Services Zoning Administrator Curtis Woodward provided an updated to the ordinance amendment.

Commissioner Wellman asked if you would need your neighbor next to you or the person across the street needing their opinion. Mr. Woodward said wouldn’t need across the street because they aren’t adjoining. Commissioner Wellman asked if patios could be covered. Mr. Woodward said yes, it just can’t have the combination of attached and built. Commissioner Wellman asked if not conflicting to building a second deck. Mr. Woodward confirmed.

Mr. Woodward advised the planning commission can choose to open the public hearing.

Commissioner Wellman motioned to open the public hearing, Commissioner Nelson seconded that motion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Citizen
Name: Kent Markus
Address: 5968 South Parkwood Drive
Comments: Mr. Markus said he thought this included RV with three sides closed in and off the old standard. If someone wanted to put it to the back corner and would like clarification.

Mr. Woodward said accessory buildings and six feet away and have different rules, so still be okay. Mr. Markus said a carport can have two walls. Mr. Woodward said no walls, strictly a cover. Someone commented that front and back just open and he supposes outside have a panel, must be one-hour fire rated wall and built a certain way. Commissioner Wellman said only applies to the setback property line and apply to previous standards.

Mr. Markus asked with the one wall, wouldn’t that be safer to require having the one wall. Mr. Woodward said in order to be closer than five feet to the property line, it would need to be one-hour fire construction, ceiling would have to be fire restricted to prevent that.

Commissioner Hatch motioned to close the public hearing, Commissioner Wellman seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and staff had a brief discussion regarding Option 1-D. Uncertain there would be room for that in the front. Anchoring clarify adjacent/abutting property owner.
**Motion:** To recommend approval of file #30795 to the Kearns Metro Township Council with the suggested changes and amendments to #4 and #6.

4. The adjacent “abutting” property owner
6. The total lot coverage “of the undeveloped coverage of the property as built” to no more than 50%.

**Motion by:** Commissioner Wellman
**2nd by:** Commissioner Hatch
**Vote:** Commissioners voted unanimous in favor (of commissioners present)

30798 – (Continued from 11/19 and 11/26/18) - Amendments to 19.04.315 and 19.80.035 to remove the “one vehicle” exception to the definition of “junk,” and to clarify the parking requirements to allow parking private vehicles on a compacted gravel parking area. **Planner:** Curtis Woodward

Salt Lake County Planning and Development Services Zoning Administrator Curtis Woodward provided an updated to the ordinance amendment.

Commissioner Wellman asked if there is discussion of leveling. Mr. Woodward said we put compacted gravel. Commissioner Walton asked about pavers and creating additional parking space. Mr. Woodward said pavers are brick and would work. Commissioner Wellman said no limit on working cars.

**PUBLIC PORTION OF MEETING OPENED**

No one from the public present to speak.

**PUBLIC PORTION OF MEETING CLOSED**

Commissioners had a brief discussion regarding maintaining parking spaces, licensed vehicles, hard surfaces, and scrap.

**Motion:** To recommend approval on file #30798 to the Kearns Metro Township Council with staff recommendations and Commissioner Hatch’s amendments.

**Motion by:** Commissioner Wellman
**2nd by:** Commissioner Nelson

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

Commissioner Nelson motioned to adjourn.

**MEETING ADJOURNED**

Time Adjourned – 6:37 p.m.
Rezone Summary and Recommendation

Public Body: Kearns Metro Planning Commission
Parcel ID: 21-18-352-013-0000
Property Address: 4702 W 6200 S
Request: Rezone to allow townhome style development

Planners: David White, Curtis Woodward
Planning Staff Recommendation:
Applicant Name: Greg Houge

PROJECT DESCRIPTION

This application is to rezone approximately 5 acres of property at 4702 W. 6200 South from “manufacturing” to “residential” for the purposes of a future townhome style development. A small portion of the property (approximately .7 acres) is to remain as currently zoned, while the remaining 5.837 acres is to be R-M. The .7 acres of M-1 will be used to build the storage unit rental office for the existing neighborhood storage units to the north.

SITE & VICINITY DESCRIPTION (see attached map)

The property is currently vacant and is located on 6200 South directly south of the Entheos Academy. It is bordered on the west by train tracks and on the east by the private road that is used to access the school and the storage units to the north.
GENERAL PLAN CONSIDERATIONS

The Official Map of the Kearns Community General Plan shows this area as an area of future change. The subject property is also included in project #19 of the general plan, which states:

“This is a key commercial area for the Township. The area in general is well utilized, but there remain a few parcels that are not contributing to the overall quality of the commercial area. Developing a redevelopment plan for the area and investing some public funding for infrastructure improvements in the area will induce added private investment and growth absorption in the area. Mixing of uses in this area can serve to anchor the area as a vital neighborhood center for the surrounding community.”

PREVIOUS PLANNING COMMISSION ACTION

On November 26, 2018, the Kearns Metro Township Planning Commission forwarded this application to the Metro Council with the following recommendations:
1. An economic development/feasibility study for this property should be done for this property.
2. The traffic study needs to be updated to include traffic counts while Entheos Academy is in session.
These two studies should be done prior to the Metro Council making a final decision on the zone change.

PLANNING STAFF ANALYSIS

The County’s Economic Development Division has commissioned a study for the future of the west side of Salt Lake County from Magna to Herriman. That full study is not yet complete, but there has been a lot of data generated regarding sales tax revenues, consumer spending habits, and “migration” of tax dollars (which is when residents of one municipality purchase goods and services in other municipalities, thus contributing to the tax revenues of cities other than their own). The market data is one of the tools commercial developers and real estate brokers use to determine the viability of property for commercial use. The first step is to identify whether there are certain uses that are underserved in a given community. Then specific properties can be analyzed to see whether they are viable to meet those needs. The Salt Lake County Economic Development division has put together a brief market analysis, which will be forwarded to the planning commission separate from this report, based on the available data.

However, community and regional economic data only paint part of the picture, as site specific constraints also impact a site’s suitability for retail development. In an effort to address some of the site-specific challenges, the applicant has submitted an email from Tyson Moore of Colliers International, which is attached to this report. Among other things, Tyson points out that the site is not large enough for an anchor tenant, and that most medium and small box retail users are gravitating towards regional shopping areas or other known anchors (like Jordan Landing or the Walmart on 5600 West). To get another opinion, County planning staff reached out to John Gust, a local retail developer (principal developer of Arbor Park, The District, etc.) for his analysis of the property. His response (also attached to this report) draws a similar conclusion to that of Mr. Moore, in that the site is not a good location for retail based on local and regional competition and the train tracks to the west cutting it off from the other retail properties on Cougar Lane.

The updated traffic study requested by the planning commission was also requested by the County’s transportation engineer. The original study was conducted in the summer months when the Entheos Academy was not in session, so traffic data from the school was not part of the data. The applicant has indicated that they intend to have that traffic study update completed as part of their application, and he hopes to have that available to the planning commission prior to the January 14 meeting.

PLANNING STAFF RECOMMENDATION
The Kearns Metro Township Council and Mayor have asked the planning commission to review the updated studies and provide an updated recommendation to the Metro Council prior to their vote on the application. The report from Economic Development and the adopted general plan indicate that multiple options should be considered for this site, including mixed uses. Following that reasoning, a C-2 zone would seem to be the most appropriate zone for the property, since it allows not only retail uses, but offices, neighborhood storage, and high-density residential. However, it is not generally conducive to the type of owner-occupied townhome-style residential development being contemplated by the current applicant. Most C-2 residential is in the form of rental apartments or apartment-style condominiums. In the interest of encouraging owner-occupied medium density residential for the site, an R-M zone with a “zoning condition” limiting the density to a maximum of 15 units per acre would be preferred.

Potential motions:

1. Recommend approval of the zone change from M-1 to R-M zone, subject to the following zoning conditions:
   - The density shall not exceed 15 units per acre.
   - Residential uses are limited to single-family attached (townhome-style) and/or single family detached structures.
   - Non-residential uses are not allowed.

2. Recommend denial of the zone change from M-1 to R-M, but approval of a zone change from M-1 to C-2 (upon submittal of a letter by the applicant amending his proposal to C-2).

3. Recommend approval of the zone change from M-1 to R-M as submitted.

4. Recommend denial of the zone change from M-1 to R-M.
EXHIBIT B - PROPOSED ZONING
19. Redevelopment Plan: 6200 South at Cougar Lane

Project Category
Development.

Location
6200 South at Cougar Lane (4800 West).

Objective
Encourage quality, efficient development in commercial areas.

Potential Stakeholders
Salt Lake County, Kearns Community Council, West Jordan City.

Recommendations
- This is a key commercial area for the Township. The area in general is well utilized, but there remain a few parcels that are not contributing to the overall quality of the commercial area.
- Developing a redevelopment plan for the area and investing some public funding for infrastructure improvements in the area will induce added private investment and growth absorption in the area. Mixing of uses in this area can serve to anchor the area as a vital neighborhood center for the surrounding community.

Timeline
Long term.

Project added July 2009.

Project updated May 2011.
OVERALL DESCRIPTION (ZONE M-1) – STORAGE ETC. PROPERTY
BEGINNING AT A POINT SOUTH 89°55'59" EAST 285.99 FEET AND NORTH 00°04'01" EAST 33.00 FEET
AND NORTHERLY 21.63 ALONG A 5,679.65 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH
76°52'20" EAST AND CHORD BEARS NORTH 13°25'55" EAST AS SHOWN IN THAT CERTAIN WARRANTY
DEED RECORDED IN BOOK 8644 AT PAGE 6676) FROM THE SOUTHWEST CORNER OF SECTION 18,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°35'25" EAST
105.17 FEET; THENCE SOUTH 84°19'56" EAST 152.83 FEET; THENCE SOUTH 89°55'59" EAST 442.54 FEET;
THENCE NORTH 0°32'00" WEST 447.99 FEET; THENCE SOUTH 89°56'16" WEST 573.61 FEET MORE OR
LESS TO THE EAST LINE OF THE DENVER AND RIO GRANDE WESTERLY RAILROAD; THENCE
SOUTHWESTERLY ALONG SAID EASTERLY LINE, 450.66 FEET ALONG THE ARC OF CURVE WITH A RADIUS
OF 5,679.65 FEET TO THE LEFT MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINS 284,736 SQUARE FEET OR 6.537 ACRES

REZONE TO ZONE RM DESCRIPTION – STORAGE ETC. PROPERTY
BEGINNING AT A POINT SOUTH 89°55'59" EAST 285.99 FEET AND NORTH 00°04'01" EAST 33.00 FEET
AND NORTHERLY 21.63 ALONG A 5,679.65 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH
76°52'20" EAST AND CHORD BEARS NORTH 13°25'55" EAST AS SHOWN IN THAT CERTAIN WARRANTY
DEED RECORDED IN BOOK 8644 AT PAGE 6676) FROM THE SOUTHWEST CORNER OF SECTION 18,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH
89°35'25" EAST 105.17 FEET; THENCE SOUTH 84°19'56" EAST 152.83 FEET; THENCE SOUTH 89°55'59"
EAST 307.48 FEET; THENCE NORTH 00°04'01" EAST 227.12 FEET; THENCE NORTH 89°28'00" EAST 132.67
FEET; THENCE NORTH 00°32'00" WEST 228.53 FEET; THENCE NORTH 89°56'26" WEST 573.61 FEET;
THENCE SOUTHERLY 450.66 FEET ALONG THE ARC OF A 5,679.65 FOOT RADIUS CURVE TO THE LEFT
(CENTER BEARS SOUTH 72°00'53" EAST AND THE CHORD BEARS SOUTH 15°42'44" WEST 450.54 FEET
WITH A CENTRAL ANGLE OF 04°32'46") TO THE POINT OF BEGINNING.
CONTAINS 254,239 SQUARE FEET OR 5.837 ACRES

TO REMAIN ZONE M-1 DESCRIPTION – STORAGE ETC. PROPERTY
BEGINNING AT A POINT SOUTH 89°55'59" EAST 285.99 FEET AND NORTH 00°04'01" EAST 33.00 FEET
AND NORTHERLY 21.63 ALONG A 5,679.65 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH
76°52'20" EAST AND CHORD BEARS NORTH 13°25'55" EAST AS SHOWN IN THAT CERTAIN WARRANTY
DEED RECORDED IN BOOK 8644 AT PAGE 6676) AND THENCE NORTH 89°35'25" EAST 105.17 FEET;
THENCE SOUTH 84°19'56" EAST 152.83 FEET; THENCE SOUTH 89°55'59" EAST 307.48 FEET FROM THE
SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND
MERIDIAN; AND RUNNING THENCE SOUTH 89°55'59" EAST 135.06 FEET; THENCE NORTH 00°32'00"
WEST 228.53 FEET; THENCE SOUTH 89°28'00" WEST 132.67 FEET; THENCE SOUTH 00°04'01" WEST
227.12 FEET TO THE POINT OF BEGINNING.
CONTAINS 30,498 SQUARE FEET OR 0.700 ACRES
From: Moore, Tyson  
Sent: Wednesday, December 19, 2018 3:31 PM  
To: Bryan Bayles  
Subject: RE: Kearns Retail

Bryan: Nice catching up with you as well. Regarding your development at 6200 South and 4800 West, I think there are several significant challenges in landing a retail use for the site including the following:

- No access to a traffic signal. The site is blocked by the railroad tracks on the west side, so there isn’t any cross access through to 4800 West and the Sonic and Beto’s buildings.
- On the east side of the property there is just a small private road that does not carry much traffic.
- There is also a very limited number of retail and restaurant tenants that are interested in this area either because they are already located at Jordan Landing (which is 1.5 miles away) or the Walmart at 5600 West, or their competition is in the trade area already.
- No anchor Tenant here, and the site isn’t large enough for one. Mid box tenants are hardly expanding, and will only go into super regional types of sites like a Jordan Landing.
- Users that want to be in this area are mostly interested in the Walmart intersection at 5600 West and 6200 South.

It’s possible that you could land a fast food user on this property if the access was improved, but chances are slim and as mentioned earlier it’s a very limited pool of candidates because of the other challenges. Let me know if you need any more info.

Thanks,

Tyson Moore  
Vice President

Assistant, Kelsie Bowler

Colliers International
Mayor Bush, Council members, and Curtis Woodward:

I have been recently contacted by Curtis Woodward and asked to share a few thoughts about the commercial, specifically retail potential for the 6.5 acre site located just north and across the street from the Dollar general on 6200 South.

Retail just does not make sense here. If there were any retail potential in this location I would be the first person to approach the current seller to see if I could acquire the site. The site isn't big enough for a retail anchor weather that be a big or junior box store. The only real retail that would make sense at this location is a little strip mall or a gas/convenience store.

Even these uses are difficulty because of the following site conditions, in order of priority:

1. The train tracks are the biggest challenge to developing this site into retail. If the train tracks did not exist, retail would be a great use because it would feel connected to the existing retail that is already in the area and have a much closer connection to the anchor, Harmons Grocery.

2. There is not stop light on the road that is located just east of the site.

3. The adjacent road on the east is too narrow and is a dead end road.

4. This site has significant competing retail sites including Jordan Landing, 2 Walmarts, and the Harmons a few hundred feet away. Any retail that would come to this location has already landed elsewhere.

Given these constraints, there is just no demand for retail on this site.

I am not familiar with what is being proposed in this location, but dense residential uses would make a significant difference for the existing retail in the area and likely be the best use for this property.

Also, if attracting commercial uses is a priority for Kearns, there are other locations better suited for these uses, particularly north of the Walmart on 6200 S. as well as commercial development near the Kearns Olympic Oval.

I have developed retail for the last 30 years in Utah and elsewhere and know what it takes to make a successful retail development. I understand that the City feels inclined to demand retail through zoning because it so desperately needs retail sale tax revenues. Especially with Kearns' history of having all of it's property, especially commercial uses, annexed by other Cities and being a newly incorporated city I'm sure you feel the pressures to make good land use decision. On the flip side, however, I have also seen well intended cities ignore the market conditions that make retail successful and try to force it in locations where it not economically viable. I can give you countless examples in this valley where commercially zoned property has sat vacant for decades, until finally elected officials realize that no amount of commercial zoning is going to create the market conditions to make retail successful, and they rezoned the property to another use.

I strongly encourage you to consider uses other than commercial in general and more
specifically retail in this location.

Thank you for your time and consideration.

If you have any questions or need further information, please call me

John Gust
Bryan,

Hope you are well, also. I’d love to get together and hear about what you are doing these days.

Thanks for sending this over. We’re going to pass on the site. I really like the corridor and site, but our use requires a hard corner with a signalized intersection. For that reason we’re passing on the site. Please let me know of anything else that comes along. We are very focused on freeway adjacency, but will look at anything you have.

Best,

Lance

---

Lance,

Hope things are going well for you. It’s been too long since we’ve worked together!

Thanks for the commitment not disclose any information about this site, especially to the City.

Attached is the information that will hopefully give you enough info to run a quick go/no go analysis. Let me know if you need anything else!

Thanks,

Bryan